

**MINUTES OF THE
WASATCH COUNTY COUNCIL
AUGUST 16, 2023**

The Wasatch County Council met in regular session live and by Zoom at 4:00 p.m. and the following business was transacted.

PRESENT: Chair Spencer Park
Mark Nelson
Erik Rowland
Steve Farrell
Kendall Crittenden
Luke Searle
Karl McMillan

STAFF: Doug Smith, the Wasatch County Planner
Dustin Grabau, the Wasatch County Manager
Heber Lefgren, the Assistant Wasatch County Manager
Jon Woodard, the Assistant Wasatch County Attorney
Wendy McKnight, from the Clerk's Office
Rick Tatton, Court Reporter via Zoom
Shelby Thurgood, the Assistant Wasatch County Attorney
Mike Davis, the MIDA Coordinator

PRAYER: Councilman Steve Farrell

PLEDGE OF ALLEGIANCE: Led by Chair Spencer Park and repeated by everyone.

Chair Spencer Park called the meeting to order at 4:00 p.m. on Wednesday August 16, 2023 and indicated that all the Wasatch County Council are present. Also the record should show that the Wasatch County Council is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building located at 25 North Main, Heber City, Utah 84032. Chair Spencer Park then called the first agenda item.

THE OPEN AND PUBLIC MEETING AFFIDAVIT

The Open and Public Meeting Affidavit was made a part of the record.

ADMINISTRATIVE ISSUES FOR FUTURE MEETINGS

Chair Spencer Park asked if there was any administrative issues for future meetings and there was none.

LEGISLATIVE ITEMS FOR FUTURE MEETINGS

Chair Spencer Park asked if there were any legislative items for future meetings and there was none.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chair Spencer Park asked if there were any legislative items for future meetings and there was none.

Councilman Steve Farrell made a motion to leave our regular session and go into SSA #1. Councilman Kendall Crittenden seconded the motion and the motion carries with the following vote:

**AYE: Karl McMillan
AYE: Chair Spencer Park
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland**

NAY: None.

SSA # 1

APPROVAL OF THE WARRANTS

Ben Probst, the Financial Coordinator for SSA #1, addressed the Governing Board of the SSA #1 and indicated that he has warrants in the amount of \$18,205.76.

Board Member Spencer Park made a motion to approve the warrants in the amount of \$18,205.76. Board Member Erik Rowland seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Erik Rowland
AYE: Board Member Mark Nelson
AYE: Board Member Spencer Park
AYE: Board Member Kendall Crittenden
AYE: Board Member Luke Searle
AYE: Board Member Karl McMillan**

NAY: None.

Board Member Kendall Crittenden made a motion to come out of the Governing Board of the SSA #1 and go back into the regular Council agenda. Board Member Luke Searle seconded the motion and the motion carries with the following vote:

**AYE: Board Chair Steve Farrell
AYE: Board Member Spencer Park
AYE: Board Member Kendall Crittenden
AYE: Board Member Luke Searle
AYE: Board Member Karl McMillan
AYE: Board Member Erik Rowland
AYE: Board Member Mark Nelson**

NAY: None.

REGULAR COUNCIL SESSION

APPROVAL OF THE MINUTES FOR AUGUST 2, 2023

Councilman Luke Searle made a motion to approve the minutes for August 2, 2023 as they are written. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Erik Rowland
AYE: Steve Farrell**

NAY: None.

ABSTAIN: Mark Nelson (excused)

SCHOOL HOUSE ACADEMY PRESENTATION

McKay Riddle, School Administrator, addressed the Wasatch County Council and gave a power point presentation and then indicated that the School House Academy is a 501© (3) non-profit academy. McKay indicated that our mission statement is to support all learners and promote physical, social/emotional, language, literacy, and academic, pre-academic skills for all children through evidence-based developmentally appropriate practices while also providing a safe environment that families can rely on. We need startup funds through partnerships, grants, and donations. The academy will be located at 700 School House Way, Heber City, Utah 84032. Rates will be competitive and scholarships are available. This will be a way that we can meet the needs of our youth outside of school hours because they need something to do. We are in the process of getting funding such as grants, etc. Piper Riddle, Executive Director, then went through some of the basics of what the academy will do and is excited to get things rolling and would like the support of the Wasatch County Council and we are in discussion with the Wasatch County School District. We thank you for your time this afternoon to give us a chance to explain what we are expecting to do.

PRESENTATION ON ECONOMIC DEVELOPMENT IN HEBER CITY.

Dallin Koecher, Economic Director, addressed the Wasatch County Council and indicated that back in 2017 we brought Roger Brooks in to do some destination assessments and he came and shared some of those assessments and have done some things like way finding signs and other things that are helping our visitor economy. We needed to do create some plans, some initiatives to help our local businesses thrive and survive in the Heber Valley. We want to create a plan that would bring investment into our local community and Roger will talk about an initiative will be first geared towards our local residents. This will be a concept that can be applied to multiple areas.

Roger Brooks, foremost destination development expert in our country, gave a power point presentation and then addressed the Council and indicated that the one missing ingredient that Heber City has always had and Heber Valley generally is no real down town. Down towns is where you get out of your car and walk to restaurants and everything without getting in car and drive somewhere else. You need to be pedestrian friendly. Roger presented an idea for the park and what could happen there. We need to get people better connected to the railroad. To accomplish this we see a plaza, a gathering place which would be a connector. Where people could get a trolley to take them out to the depot and on their way we are telling them about Heber Valley. This is a way to create a nucleus for downtown in Heber City. This is the first phase. We have to program the park and do some improvements to the property and some additions to the property but it is already there. The City already owns it and it is a great asset. These things can be done through CRA type funding, almost all of them are redevelopment agencies of some sort and that is where the CRA

might be the developer and the City would own it. Usually plazas are operated by a down town association a non-profit and will have all kinds of events. The idea is to have a place for locals to hang out after work and on weekends.

Councilman Kendall Crittenden asked where is the parking going to be. Roger Brooks indicated that they are already in the process acquiring land for the parking and there are a lot of things that has to happen and you have to do a business plan. We just want to show you the vision of what we are thinking and where we are heading. We are still working on answers for the parking. People also will pay for parking. We are not here asking for anything and happy that the area has a CRA.

Dallin Koecher replied that what this does for us as a County it gives our residents something to do and creates a local tax base and is a very vital thing for our residents first and then our visitors second.

CONSIDERATION OF AUTHORIZING THE AWARD OF BIDS FOR THE JAIL OUTSIDE RECREATION PROJECT.

Dustin Grabau, the Wasatch County Manager, addressed the Wasatch County Council and indicated that we have two bids for the recreation and yard. This is at the jail and the yard that the inmates have access to. Previously there used to be a paved path there but because of the condition of that path it broke up in pieces and had to remove it. That yard has since become a bit of a mud pit. The sheriff would like to pave it and I concur the recommendation to approve Center Creek Construction for 1500 square feet for \$85,000 now and they would pay the actual cost because these are two different bids and it is really the price per square foot. Center Creek Construction is lower price for square foot and it includes rebar.

Councilman Steve Farrell made a motion to approve the contract for Center Creek Construction in the amount of \$85,000 to complete the sheriff's project. Councilman Karl McMillan seconded the motion and the motion carries with the following vote:

**AYE: Karl McMillan
AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

CONSIDERATION OF THE 2024 BUDGET PROCESS AND TIME LINE

Dustin Grabau, the County Manager, addressed the Wasatch County Council regarding the time line for the 2024 budget hearings. Heber Lefgren the Assistant County Manager then presented the time line for the 2024 budget hearings. Also if you do indeed want us to pursue the truth in taxation then we will use this time line to meet those statutory requirements to enact that. November 1, 2023 is when we will present to you the tentative budget similar to what we did last year and present it to you with the intent to come back a week later and hold a work session where we can go into greater detail about the tentative budget. November 22, 2023 we will put in the first notification as a requirement and the November 29, 2023 the second notification through the Wasatch Wave and then return back on December 6, 2023 when we will hold a public hearing regarding the proposed or tentative budget. Same date following the public hearing we will present the tentative budget for adoption and if adopted the process will be done and if not we can push it into further meetings and where additional conversations and then we will close the budget year on December 20, 2023 with at least a public meeting and if we need to we will do to the amendments to the 2023 budget.

Councilman Steve Farrell asked if we will be done December 6, 2023. Heber Lefgren replied that is right. The option is available that if we return December 6, 2023 and not to your liking there is the option to be able to push that to a further meeting. Dustin Grabau replied that part of the process is I have to notify you that we are confirming but that we are pursuing truth in taxation and if you want to provide that notification this meeting could serve as that notification but I just want you to confirm that.

Councilman Steve Farrell moved that we adopt the budget process and the time line as presented. Councilman Erik Rowland seconded that motion and the motion carries with the following vote:

**AYE: Karl McMillan
AYE: Luke Searle
AYE; Kendall Crittenden
AYE: Chair Spencer Park
AYE; Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

Councilman Luke Searle indicated that on the November 8, 2023 is another item on the work session does it look like a budget retreat and things like I don't know or be treating it anyway differently that we have done. Heber Lefgren replied that how we did it last year and what the plan this year is November 1, 2023 and I present you the documents and walk you through it and then on November 8, 2023 we will do a presentation to walk you through the substance what has changed and what the main focuses of the tentative budget are and give you a chance to ask

whatever questions you have. That would be a work meeting. We will go through a process to have a discussion with the directors of all the departments to identify what their recommendations of adjustments and changes. What we will go through here are the general priorities of what is important to you and we will probably give you some options.

MIDA UPDATE

Mike Davis, the MIDA Coordinator, addressed the Wasatch County Council and indicated that Dustin Grabau has been working with the County Attorney Scott Sweat and the MIDA staff on getting the business license program situation finished and that is still in process.

We had some confusion on the tax notices because MIDA charges their percentage pre-occupancy and it is not on our spring tax notice so they went out and got the same printer that we use to print up the document for them the mail outs and hopefully that will clarify some of the property owners questions. The tax does get collected. Councilman Steve Farrell asked if the County collects it or does MIDA collect it. Dustin Grabau replied that because it is a special assessment it doesn't go on the tax notice but we do collect it through it the property tax system and so it will go out in the property tax bills but not on the tax notices. Mike Davis replied that the tax notice doesn't include all the special stuff.

Mike Davis replied that the latest that we have heard now is that Extell wants to turn the Peoche Apartments into condos. They are now going to go through the process of doing a plat amendment with MIDA and turning those into condos. Dustin Grabau replied that they still have a work force housing commitment and I think they will continue to honor that commitment but it is just the market that they feel has shifted from rental units to owned units that become part of a rental pool. That is the model that they are anticipating. That could create a little bit of an issue because on the apartments some of them are furnished and the County then assesses the furnishing as personal property and that can change. Condos are intended to be privately owned.

Councilman Erik Rowland asked if there is a restriction from Extell in their agreements that they could rent them out as short term rentals. Mike Davis replied that is a good question and I don't know that has been addressed that they would allow that or not but certainly that is a potential and something we ought to ask. Dustin Grabau replied that would eventually affect the property tax if they are commercial use but then it is not primarily residential then and they would pay a higher tax. Councilman Steve Farrell replied that the only problem you have got is enforcement to figure out what is rented out on a short term basis. Dustin Grabau replied that is a good question for the MIDA Board to answer.

Mike Davis replied that MIDA has hired a new employee which will be a project manager. He is going to be managing the Jamara portion. I have asked the question and they say that they are going to get right on the planning for that area including the affordable housing and everything else.

Councilman Steve Farrell indicated that at the Interlocal meeting the other night it was brought up that the school district doesn't have an agreement with MIDA, I thought they had an agreement before we ever signed our agreement. Mike Davis replied that no they don't have an agreement with the school district. Councilman Luke Searle replied that MIDA doesn't have to negotiate with the school district on their levy. Mike Davis replied I don't think so no. That is a challenge. Councilman Steve Farrell replied that is going to be a real challenge for the school district if we get all those affordable housing units up there and the students will all be coming to the Wasatch County School. We were always going to have an agreement with the school district. Mike Davis replied that I had some meetings with the Wasatch County School District Superintendent two weeks ago and he expressed to me a little bit of frustration over the MIDA area and his claim that they had not reached out to him at all. If that was lately or was previously. Councilman Steve Farrell replied that was when we were going through our agreements. Mike Davis replied that the District is looking at a school being built up there and it won't be as big an elementary school as some of these.

COUNCIL/BOARD REPORTS

Councilman Kendall Crittenden indicated that those over fifty-five the Senior Expo is next Wednesday from 11:00 to 2:00 p.m. at the senior citizens center. Russ Watts called me and he is presenting to the Heber City Planning Department tomorrow what he is calling his work force community. It is in the Hicken property east of the fire station property. He is putting that there was a work force community and wanted me to go to the Planning Commission and throw my support behind that from the housing authority and so forth. It sounds like it could be a good thing for our work force housing. I will get a little more information on that.

Councilman Luke Searle replied that he sent his e-mail out.

MANAGER'S REPORT

CONSIDERATION OF APPOINTING MEMBERS TO THE TRAILS, ARTS AND PARKS TAX ADVISORY BOARD.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that the Wasatch County Council has been appointing members to the Trails, Arts, and Parks Tax Advisory Board. Following that code adoption, the County has been accepting applications for membership to this Board and the County Manager recommends the following appointments. Terry Davis, as a member of at-large from west Heber Valley and Terry Eisel, as a member at-large from Round Valley the Wallsburg Area. Both of these applicants are going to be good fits and they will fill the at-large portion of it.

Councilman Kendall made a motion to approve the names for the County Trails, Arts and Parks Tax Advisory Board as presented by Dustin Grabau. Councilman Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Kendall Crittenden
AYE: Luke Searle
AYE: Karl McMillan
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

CONSIDERATION OF APPOINTING A MEMBER TO THE TIMBER LAKES WATER SPECIAL SERVICE DISTRICT BOARD.

Dustin Grabau, the County Manager, addressed the Wasatch County Council and indicated that Timber Lakes Water Board has expressed a desire to fill a part-time resident vacancy on the Water Board. County Code references resolution 00.33 as the makeup of that Board which consist of two full-time residents and three part-time residents with two additional members appointed by the County Executive and Legislative bodies together. It has been the practice for the County to use these two additional seats to have a Council representative, currently Steve Farrell and an additional full-time resident. Currently, there are only two part-time residents that sit on that Board and applications have been submitted to fill that vacancy. In concurrence with a recommendation from the Timber Lakes Water Board, the County Manager recommends the following appointment which is Thomas Mike Durr as a part-time resident representative.

Councilman Steve Farrell made a motion that we approve Thomas Mike Durr as a part-time resident on the Timber Lakes Water Board. Councilman Karl McMillan seconded that motion and the motion carries with the following vote:

**AYE: Chair Spencer Park
AYE: Karl McMillan
AYE: Luke Searle
AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson**

NAY: None.

Chair Spencer Park indicated that there is a need to have a closed session for the Jordanelle Special Service District.

Councilman Steve Farrell made a motion to leave our regular agenda and go into a Closed Session for personnel. Councilman Mark Nelson seconded the motion and the motion carries with the following vote:

AYE; Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

**MINUTES OF THE WASATCH COUNCIL
ACTING AS
THE GOVERNING BOARD OF THE
JORDANELLE SPECIAL SERVICE DISTRICT
AUGUST 16, 2023**

CLOSED SESSION

Board Chair Mark Nelson replied that the record should reflect that the Governing Board for the Jordanelle Special Service District is in a Closed Session concerning personnel. The record should further indicated that the Governing Board for the Jordanelle Special Service District is meeting in the Wasatch County Council Chambers located in the Wasatch County Administration Building at 25 North Main, Heber City, Utah 84032. The date is August 16, 2023. At 5:00 p.m.

PRESENT: Board Chair Mark Nelson
 Board Member Erik Rowland
 Board Member Steve Farrell
 Board Member Spencer Park
 Board Member Kendall Crittenden
 Board Member Luke Searle
 Board Member Karl McMillan

Chair Mark Nelson replied that since this Closed Session is to consider personnel matters and the sensitive nature of it that no minutes were kept of this Closed Session.

Board Chair Mark Nelson made a motion to adjourn the Governing Board of the Jordanelle Special Service District and go back into our regular session Wasatch County Council agenda. Board Member Steve Farrell seconded the motion and the motion carries with the following vote:

**AYE; Board Chair Mark Nelson
AYE: Board Member Erik Rowland
AYE: Board Member Steve Farrell
AYE; Board Member Spencer Park
AYE: Board Member Kendall Crittenden
AYE: Board Member Luke Searle
AYE: Board Member Karl McMillan**

NAY: None.

Councilman Spencer Park indicated that the Wasatch County Council is back in session to consider the Public Hearings that are scheduled to be heard this evening. Also the record should show that all the Wasatch County Council are present.

**PUBLIC HEARING
AUGUST 16, 2023**

CORT LOCKWOOD, REPRESENTING TREVOR MILTON, REQUESTS A TEXT AMENDMENT TO WASATCH COUNTY CODE SECTION 16.05.02 IN ORDER TO ADD PRIVATE HELIPADS AS A PERMITTED ACCESSORY USE IN THE PRESERVATION P-160 ZONE DEV-7623.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and indicated that during a Planning Commission meeting regarding a request to amend the Milton Diamond Bar X Plat DEV 7004, public comment received and identified a zoning violation on Lot 1 of the plat seeking to amend Wasatch County Code 16.21.40 requires that private helipads obtain a conditional use permit from the Planning Commission before being constructed or operated. Neighboring property owners identified that a private helipad was in operation at the site and County staff was unable to find any evidence of a conditional use permit being issued for the property. The applicant agreed to cease operations of the helipad until such time as the necessary permits could be obtained. Through the course of applying for the permits, it was discovered that the current Wasatch Code does not include private helipads as an allowance in the P-160 Zone.

The legislative body will need to make a policy decision on two primary factors. 1. Is the use of private helipads acceptable as a use in the P-160 Zone and 2 should the use of helipads be considered accessory to a single family dwelling, thus allowing them to be applied for on non-conforming lots of record. In addition to those two factors, the Council could consider whether the allowance should be added to other zones as well. No one can make this exception and decision except the Wasatch County Council.

Austin Corry indicated that the text is to add helipads as a private use under the permitted accessory uses section of the P-160 Zone. This would only apply to the P-160 Zone but it would apply to anywhere where there is a building right so that would include anywhere where there is a building right. That would include lots of record. By doing it through the permitted accessory uses rather than listing it in a use table under the conditional uses.

The applicant has to identify what they believe to be positive impacts of the proposal as well as negative impacts. The applicant's statement is that the proposed changes will have a positive impact on the community by providing property owners greater flexibility in managing or accessing their land and will attract more affluent individuals to the area will help bolster the local economy. Their stated negative impact would be an increase in noise pollution from helicopter flights. They do state that they believe that the requirements that we currently have in County Code under Section 16.21.40 would mitigate any of those impacts.

Austin Corry replied that the Wasatch County Planning Commission has reviewed this consideration and they have forwarded it onto you with a unanimous recommendation that you deny the proposal. There was significant discussion from the Commission and in fact some of their discussion related to our existing 16.21.40 requirements and they suggested that they believe that they were too lenient related to our existing 16.21.40 requirements and they suggested that they believe that those are too lenient and that set back distance, lot size distances should even be larger than what they are under that section.

Austin Corry then went through the proposed findings for approval.

1. The proposed amendment is in the interest of the public, and is consistent with the goals and policies of the Wasatch County General Plan.
2. The proposed amendment is consistent with the purpose and objectives outlined in Section 16.05.01 in that the amendment does not conflict with other provisions for determining the impacts to health, safety, and welfare.
3. The General Plan states that development of remote areas should be limited.
4. According to the applicant, the positive impacts of the proposed change would be providing property owners with greater flexibility in managing/accessing their land and will attract more affluent individuals to the area which will help bolster the local economy.
5. According to the applicant, the negative impact of the proposed changes could be an increase in noise pollution from helicopter flights.

6. Wasatch County Code Section 16.21.40 establishes criteria for mitigating impacts of helipads for private use through a conditional use permit process.
7. The DRC, including the Sheriff and Fire Marshal, have not identified major concerns with the inclusion of private helipads as accessory uses in the P-160 Zone.
8. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Austin Corry then went through the proposed findings for denial.

1. The proposed amendment is not in the interest of the public and is not consistent with the goals and policies of the Wasatch County General Plan.
2. The proposed amendment is not consistent with the purpose and objectives outlined in Section 16.05.01.
3. The General Plan states that development of remote areas should be limited.
4. Positive impact of the proposed changes identified by the applicant do not address items of general health, safety, and welfare.
5. Negative impact of the proposed changes could be increased noise pollution, increased desire for residential uses in remote areas of the County where services are limited, specifically emergency response times.
6. The Wasatch County Council, as the legislative body, has broad discretion for amendments to the Wasatch County Code.

Applicant:

Cort Lockwood, representing the applicant, addressed the Wasatch County Council and indicated that we kind of went through the process to get this CUP for our clients and ran into this issue where we can get CUP for a private helipad but it is not attached to any code right now or any zones. You can't actually get it so we are trying to get a CUP and got to this stage. We are trying to see how we can get this attached so that we can actually apply for the CUP. We are open to whatever is required or whatever you guys would like to do there instead of an accessory use. Just so we can even get to the process for applying for a CUP is the hope here today.

Public Comment:

Chair Spencer Park then opened the public meeting for public comment and there was none so the public comment was closed.

Council Discussion

Councilman Steve Farrell asked that how do we justify this in terms of our General Plan as it relates to the P-160 Zone and keeping our county rural? Cort Lockwood replied that within the General Plan we already have the CUP that is written in the code for a private helipad but right now no zone can apply for it. Right now the CUP is in but we can't apply for it. Councilman Steve

Farrell replied that what justification that we have to put it in the P-160? Well access is tough in a lot of the P-160's zones especially this spring when roads were washed out and people weren't able to get to properties and that was an issue on this property specifically so the justification would be to be able access some of those areas. Councilman Steve Farrell replied that was true to any place in Wasatch County and to any County road that is not paved was bad. Cort Lockwood replied that no zone now is able to apply for it and personally I think that all of the zones should be able to apply for it if it is in the code. Councilman Steve Farrell replied that the P-160 Zone is the most remote and pristine with raw land zoned in the whole County. If we open it up and allow there we are going to have helipads all over the county in the P-160. Cort Lockwood replied that I think that we should get that CUP anyway and should be allowed to apply for the CUP that is in the code. Then we would like to go through the CUP process whether we get rejected or approved for that. We would like to get to that process.

Austin Corry indicated that what he is saying that we have a section of code the 16.21.40 which I call the junk drawer of the code and it is supplementary standards and not specific to a zone. There are standards that would apply for maybe a particular use but that use could apply to multiple different places. These are the standards that were written if somebody were to apply for a helipad for private use and that is what it would be analyzed under. What he is referring to is helipads for private use have a specific land use number and that land use number is not listed as a permitted use or a conditional use in any of the zones in our County as of today. That use number does not exist.

Doug Smith, the Wasatch County Planner, replied that he was involved in writing that code and was actually working with Bruce Baird to write the code. I would blame myself because we wrote the code and went through that process and we didn't address what zones it was allowed in, in the rest of the code.

Chair Spencer Park replied that the P-160 it is to protect wildlife and I think a helicopter anywhere in the P-160 would have a very dramatic effect on it. Councilman Steve Farrell indicated we have problems in the North Fields with livestock being disturbed from a helicopter noise flying over the animals. I think we should go ahead and deny this request in the P-160 Zone and send it back to the Planning Commission and have them come back with some proposals or an understanding how we could use this 16.21.40.

Dustin Grabau indicated that you are looking for potential changes to this section of the code with an eye to considerations of what un-approval for P-160 helipads would look like? Councilman Steve Farrell replied that I would ask the Planning Commission and staff to come back and identify what areas of the code this would best work in 16.21.40 helipads and if it would work in Wasatch County. The comment in there was it brings more affluent people that is a terrible statement. All of the people coming into Wasatch County are affluent and it is not money in spirit or experience or something. I don't think we should specify who can have one and who can't.

Councilman Steve Farrell made a motion that we deny this request and ask the staff and the

Planning Commission to go back and review the County Code as it is and recommend where 16.21.40 helipad for private use would best fit if it would fit at all and there is no time line to this matter. Councilman Kendall Crittenden seconded that motion and would make a statement and whatever changes take place I don't think I would never be in favor of one in P-160 and possibly a way to put them in some of other zones. Austin Corry asked a clarifying question. When you are suggesting that staff and Planning Commission look at it do you have an idea on a time line that you are wanting for that? The motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Erik Rowland

AYE: Mark Nelson

NAY: None.

PUBLIC HEARING

AUGUST 16, 2023

BRIAN BALLS, REPRESENTING BURKE RONEY, REQUESTS A PLAT AMENDMENT TO STRAWBERRY RANCH PHASE 1A AND AN AMENDED FINAL SUBDIVISION APPROVAL FOR STRAWBERRY RANCH PHASE 1B IN ORDER TO AMEND PREVIOUS APPROVALS FOR PHASES 1A AND 1B OF THE MASTER PLANNED DEVELOPMENT TO VACATE PLATTED COMMERCIAL LOTS FROM PHASE 1A, INCREASE THE SIZE OF PUD CABIN LOTS FROM AN AVERAGE OF 900 SQUARE FEET TO NOW BE 3600 SQUARE FEET INCREASE THE NUMBER OF CABIN ERU'S FROM 40.99 TO 59 CABIN ERUS AND TO DECREASE COMMERCIAL ERUS FROM 4.69 TO 2.4 AND MOVE THE LOCATION OF A CLUBHOUSE AND WELCOME CENTER FROM 1A TO 1B. THE PROPOSAL ALSO INCLUDES A REQUESTED AMENDMENT TO THE DEVELOPMENT AGREEMENT WHICH WOULD HAVE THE EFFECT OF ACCEPTING THE PROPOSED MODIFICATIONS AS COMPLIANT WITH THE PRELIMINARY APPROVAL. IF APPROVED, THE OVERALL SITE ACREAGE WOULD ALSO INCREASE FROM APPROXIMATELY 18 ACRES TO INSTEAD INCLUDE 36,815 ACRES LOCATED AT 9514 SOUTH STRAWBERRY RANCH ROAD IN THE PRESERVATION P-160 ZONE DEV-6741.

Staff:

Austin Corry, the Assistant Wasatch County Planner, presented a power point presentation and then addressed the Wasatch County Council and then indicated that the proposed project is located on the south east side of the Strawberry Reservoir and southwest of the Soldier Creek Dam approximately 45 miles from Heber City. The plat for Phase 1a of the project included 12.8 acres and was recorded in 2012 as the first recorded plat of the project improvements to Forest Service Road 090 FS 090 have begun under that approval, but the full improvements of that approval have not been completed. A second plat phase 1b was given approval in January 2020. That approval was not acted on in the time lines required under ordinance, and the approval has expired. Since that time, the property owner has decided to pursue amending both the phase 1a and the plans previously presented for approval of phase 1b. This application is the subdivision plat amendment for phase 1a and a new final subdivision application for phase 1b collectively under one revision.

Austin Corry then gave a history of the development. The base density is 701 and then there is density bonuses. There were things that needed to be done for bonus densities to occur. Now here are some key issues to consider.

1. Total project is 7,010 acres, of which, 12.8 acres have been platted phase 1a.
2. Master Plan and Density Determination was approved in November 2012 with a bonus density under the Planned Performance development section allowing a total of 814 ERUs.
3. A development agreement was recorded establishing the density, open space, required on and off-site improvements, land uses, etc.
4. Preliminary approval was granted in March 2014 including an alternative transportation plan.
5. This request is to amend phase 1a to increase to 14.2 acres and modify phase 1b approval from 8.28 acres to 22.6 acres.
6. The proposal increases the number of ERUs in phase 1a and 1b from 45.68 ERUs to 63.
- 7 ERUs decreases the density per acre.
8. The overall Strawberry Phase is 224.94 ERUs per the master plan.
9. The proposal required an amendment to the development to modify the phasing of amenities and to incorporate the modifications created by the most recent final proposal.
10. The County Council will need to determine if the proposal is compliant with the approved preliminary plans and accept the proposed development agreement addendum.

Review of the historical approvals indicates that the bonus densities were granted for the project based on the following justifications.

1. Construction of the station/emergency services building to serve the Strawberry area.
2. Improving Forest Road 090 out to Highway 40 to include wider lanes and shoulders.
3. Construction of road and bridge to bypass Soldier Creek Dam.
4. Construction of trail head and parking area for access to Forest Service Lands.
5. Forest Service trail marking improvements, signs and rider educational program.
6. Additional/extra useable open space 95.7 percent open space instead of the 80 percent required.

7. Construction of 12.3 miles of trails for hiking, biking, ATVs, and horseback users.
8. Opening private land for public recreational purposes.
9. Commercial uses, resort support, retail, hotel lodges, rental cabins and other accommodations for TRT.
10. Welcome center, stores, resort amenities and services to provide sales tax.

Also many of these are detailed in the development agreement and the preliminary plans. There was a 76 percent density bonus that was granted over the whole 7000 acres.

Councilman Steve Farrell indicated that the approval that they got was for 814 units based on the amount of water they had to meet their needs. 1234 bonus density is what the Planning Commission scored at and there was not enough water to actually achieve the 1234. They will have to amend their preliminary that included 814.

Another significant item that occurred during the master plan approval and discussions was access into the project and probably that should be classified as the most significant item that was discussed. The agreement was that every one hundred ERUs of the project there would be incremental improvements made to Forest Road 90. It is very clear that it is a County road and the Forest Service nor the Bureau of Reclamation will maintain it. The title of the road is up in the air. What is in front of the Council right now is there is 63.7 ERU's and it hasn't hit a one hundred ERU trigger yet.

Allen Christensen from the BOR was concerned about access over the dam and the potential of what that could be. There was a commitment about a bypass road of the dam in the density determination. Later on in the approvals what appears to me is this result of this paragraph B under the obligations of the developer and that is that Allen Christensen mentions the Bureau as it progressed they became less adamant that there would be no access over the dam and wanted it to be very clear that they have full rights to close that dam at any time because that is the main access into the property which makes is a very significant impact if somebody were to be in that area and the dam was to be closed.

Councilman Kendall Crittenden indicated that the second area access refers is around the other side of the lake and in the winter wouldn't be good. Austin Corry replied that the primary concern was about snow removal. A notice on the plat that clearly states on the property itself that the main access to this property goes over a dam and that dam can be closed at any time and you have no guarantee of access.

Austin Corry replied that with regard to the second access the proposal included a number of different emergency services ideas. The secondary access that was talked about especially for the first phases was that Forest Road 90 which does change numbers as it moves towards Renegade Camp Ground but the developer would provide some off-site improvements for that road to get secondary access through the Renegade Camp Ground. They could improve the road but they couldn't expand it. That was made under an alternative transportation plan and when they needed

to improve road that doesn't mean to County standards but to the agreement that was there and the agreement was that it be approved to Forest Service standards and that would be passable by a two-wheel drive vehicle.

Austin Corry replied that in the development agreement because of the access issues with this particular project the development agreement was very specific to include off-site improvements so beyond the 7000 acres that these roads that we are talking about are all applicable to the development agreement. The off-site improvements are listed and talks about the Forest Service improvements as well. There was also an emergency services plan that requirements that are to be made with the fire district that discuss things like a new fire station, staffing, etc.

Austin Corry also indicated that what is before the Council today is that as things have progressed they have decided to make some alternations to what they proposed originally which is going to require an amendment to this plat and what happened with phase 1b. During the Phase 1a approval and reason I bring this up is during the Planning Commission there was some discussion and confusion about what the intent was but there was some discussion about whether the improvements to get a second access to Renegade Marina was a requirement. It is mentioned that there is this requirement to the second access to Renegade. There are references to seasonal access and have not found anything in the development agreement that specific says that you cannot access it in the winter but there are requirements that they cannot plow it until they get agreements. They can't improve for winter access until they get certain agreements.

Councilman Steve Farrell replied that a snow cat could be used to cross the ice on the dam in the winter access. Austin Corry replied that their major concern was plowing the road. There is a proposal before that would amend the phase 1a plat as part of the proposed conditions and would recommend that you keep that condition in there. The last comment from the BOR is that Allen Christensen was noting that there still needs to be an agreement with the BOR about crossing the dam.

Austin Corry replied as you are aware when it comes time to amend the plat this not a minor plat amendment because it is a significant change to what has been recorded and it changes the overall acreage, changes the number of units that are in there and the only thing it doesn't change is the alignment of Strawberry Ranch Road which is the platted name inside the subdivision for Forest Road 90. This doesn't include a street vacate or we didn't post signs or do noticing in the way that would comply with that. This is a plat amendment that is one that has to be approved by the Council. To amend the plat you have to make a finding of good cause.

Austin Corry replied that what is different between this proposal and the preliminary plan. What is in front of you today is just requesting subdivision approval and they still will have to go through the process. What is different there is an increase in the cabin sizes and they want to move to 3600 square foot pad sizes. They want to move to a pad and let each individual owner do their own design.

Austin Corry replied that they have moved the location of the welcome center and the trail head and the store. They would like to take the welcome center and the store and move it further south into the development and combine it with their activity center. The trail head would remain at the entry but it crosses the road now on the eastside of the road.

Austin Corry replied that there is currently a reduction in size of the commercial and amenity space between the preliminary and the final and then a change to the open space landscaping primarily a big shift from the number of trees that they are providing to instead moving more to a hydro seed mix with sage brush and rabbit brush.

Austin Corry replied that with regard to how the density was actually shifting the density actually goes down in terms of ERUs per acre but still there really is not a relative relationship between the two. Strawberry Ranch as a whole included a breakdown of different types of uses on how they achieve their ERU's. The two of significant discussion that occurred in the Planning Commission are the rental cabins and the commercial that is being provided by the project. They have reduced the size of the welcome center and store but will have the ability of being modular with that so that they can increase of the building as things develop. The Strawberry Phase as a whole commercial and amenity ERUs that were attributed to that was 27.95 and what they are proposing is 2.4 of those ERUs. There is more of a shift in the density to more of the rental cabins and by changing from that 700 to 1200 square foot cabin model to a 3600 square foot pad size the ERU density of what is being proposed significantly increases. They will exceed the number of ERUs for the entire Strawberry Phase in just the category of rental cabins. Part of the decision that you are making tonight is whether or not this is a substantial change from the preliminary to the final so it is totally transparent to you what the changes are.

Councilman Steve Farrell indicated that 1a has been recorded and the water has been transferred to the Strawberry Ranch Special Service District and that was based on the original number of 814. Austin Corry replied that there were storage units that were moved from 1c into 1a with the plat approval that occurred. As part of this they are taking those storage units and putting them back into 1c.

Austin Corry indicated that the plats that they are asking you to approve now are 1a and 1b. This is the new 1a and it consists of twenty four cabin sites and there is no commercial ERUs any more in the 1a if approved. One thing about 1a is those ten cabin sites have been sold to other owners. We did receive a written consent for the applicant to pursue this application with you from each of those property owners and it is included in their draft plat but one of the pages to the plat is that every one of those ten owners will have to sign the plat in order to amend.

Councilman Steve Farrell asked if the Planning Commission did not take this as a significant change. Austin Corry replied that they had a fairly significant discussion and most of their focus was on the commercial. They did talk about a concern of the reduction in commercial and especially how that was tied to the bonus densities because that commercial was so significant to what gave them bonus density for the project.

Austin Corry indicated that with regard to the reunion lodges they were treated as hotels in the ERU break down and it was a larger structure that family reunions and things could occur at which had a larger number of bedrooms things like that for large groups.

Austin Corry indicated that there is significant comments in the DRC related to two primary code compliance issues. The proposal has been reviewed by the various members of the Development Review Committee for compliance with the respective guidelines, policies, standards, and codes. A report of this review has been attached to the exhibits. The Committee has accepted the item for Planning Commission and Council to render a decision.

Austin Corry indicated that the first code compliance issue refers to the required setbacks and the second compliance issue is in compliance with the road standards. There were a number of back and forth reviews with the applicant and the latest plan says and this is the current one that is being presented to you still has a number of conflicts. We received verbal conformation from the applicant that they will correct those and how we could analyze it. These are cross sections that some of them show a park strip and some of them show the sidewalk right to the back of curb and some of them refer to it being an asphalt trail and some of them refer to it as being concrete and plan and profile drawings are off as well. There are conflicts there and there is not consistency in the documents. The applicant has indicated that their plans will be four foot concrete walks with park strips. The move to the 3600 square pad sizes also includes putting garages into the cabins. By including garages and access it has a 20 foot front set back requirement for the potential of vehicles parking there. There are other areas where they do not comply with the twenty foot setback. They have committed that they will make the changes necessary to get them twenty feet and they are aware of the issue.

Austin Corry indicated that the County just adopted a lighting code and this plan would have to be compliant to those lighting codes. The lighting code is applicable and don't have vested rights under an older one. Also regardless of that there is also a wildlife mitigation plan as part of the development that requires things like motion sensors on the lights, bear proof containers, etc.

Austin Corry indicated that with regard to the use of water on the project and they have to comply with the limited amount of irrigation that is contributed to the project.

Austin Corry indicated this is a mountain terrain they have a fire wide landscaping requirement and in their plans are guidelines for how to achieve that.

Austin Corry indicated that the trail plans highlights how things will work through the project. Most of the trails within the project are labeled as private.

Austin Corry indicated that with this request they are also requesting an approval to amend the development agreement. In essence what the amendment says is that by approving the final plans that are being presented to you today those would become exhibits to this amendment and if there

are any conflicts between these plans and the preliminary plans that these ones would be considered not a substantial change and they would supersede anything that might conflict there and only to the extent that it is described on the plans though. So any of the other provisions of the development agreement that are in there would remain the same. The other shift is just acknowledging the difference. Exhibit G of the development agreement lists the different amenities that are required at different phase. This asks for the approval to shift that welcome center and convenience store down into one phase 1b basically.

Austin Corry indicated that they do have an affordable housing obligation because 1a was smaller than what is being asked for now and their obligation goes up so they would update that obligation to ten employees which would equate to one AUE where the previous one was .65 and would need to pay the difference.

Austin Corry indicated that the Planning Commission reviewed it and they made a motion to approve the amendment for a final plat to Strawberry Ranch Phase 1a and 1b and forward it to the County Council with all the conditions and findings in the staff report as modified. I will present them as modified to you.

Austin Corry then went through the potential findings:

1. The density being proposed is consistent with what was approved in the original master plan and preliminary plan. It should be noted that the approved density numbers have been reduced from the master plan approval at the applicant's decision in Phase 1A to no longer pursue bonus densities associated with providing LEED compliant design features.
2. There is a development agreement recorded that establishes the project vested approvals such as density, on and off-site improvements, open space requirements, access, etc.
3. The Development Review Committee has reviewed the project and forwarded the item for decision with a list of comments; concerns noted in the DRC report.
4. Per the DRC report, the requirements of the SRZ and Planned Performance sections of the code can be met with conditions and addressed in the development agreement.
5. The preliminary plans included review from state agencies which are included in the development agreement.
6. The applicant has proposed an amendment to the affordable housing obligation originally calculated for phase 1a. The proposal follows a similar procedure as the initial analysis, but increases from 0.65 AUE to 1 AUE after employee calculations increase by adding the proposed phase 1b which includes the activity center.
7. The proposal decreases the amount of commercial ERU's presented in the master plan.
8. The commercial ERUs shall be consistent with the master plan throughout the development and the commercial ERUs in phase 1a and 1b may be increased consistent with the master plan with proper site plan approvals.
9. The application is for subdivision approval only and does not include a site plan review. The submitted plans contain errors or omissions related to setbacks, sidewalks, and road cross-sections. The staff has provided an analysis based on a commitment from the property owner that the

setbacks will be corrected and that the construction plans will include a four foot concrete sidewalk and five foot landscaped park strip in compliance with the engineering standard cross-section approved with the preliminary plans.

11. No public or private roads are being vacated as part of this plat amendment.

12. Good cause for the amendment exists in that the proposal facilitates changes to rental cabins being proposed with an updated product determined to be acceptable to the County. The densities proposed although higher than the original Phase 1a plat, are within the approved densities of the master plan approval for the Strawberry Phase.

13. All owners within the existing phase 1a plat have provided a consent document to allow the developer to proceed with their request.

14. The proposal is consistent with Utah Code Section 17-27a-605.

15. The County determines that the proposed final plan includes only minor inconsequential changes from the approved Preliminary Plans and can be approved with conditions.

Austin Corry then went through the potential conditions:

1. Prior to final plat recording or any engineering construction permits, the amendment to the development agreement will need to be signed and recorded.

2. Prior to plat recording or any engineering construction permits, DRC conditions related to building pad locations and conflicting documents related to the street cross sections and site plan must be resolved to ensure adequate setbacks and building separations are met

3. Prior to plat recording cost estimates and a cash bond or letter of credit must be provided for all improvements necessary for issuance of a building permit. This includes, but may not be limited to culinary water, power propane system, sewer system, fire flow, hard surface roads, etc.

4. The additional fee-in-lieu for affordable housing shall be paid prior to plat recording.

5. I am sorry I highlighted a couple things in blue here and the Planning Commission did not make these changes in their recommendation to you so item no. 5 is not exactly how the Planning Commission recommended it but it is how it was discussed during the discussion and the change in the language basically just mirrors it with the exact language that is in the development agreement. It says a Notice of Interest shall be recorded on each lot or unit stating that the main access can be closed at any time, for any length of time, and if it is closed, only the secondary seasonal access can be used. The Notice of Interest for each lot shall be required to be recorded prior to issuance of a building permit and evidence of the recording submitted with each permit.

6. The improvements and directional signage for the emergency access out to the Renegade Marina will need to be done prior to occupancy of the first unit. Necessary improvements are to Forest Service standards. Prior to the first occupancy permit and inspection by the SSD, Forest Service and developer should be done and improvements made so that two wheel drive vehicle can use the emergency access. Signage should be clear to direct people out following the shortest route. That is the requirement I mentioned that is in the development agreement.

7. Consideration should be given for other emergency evacuation options i.e. helipads at key locations although not private helipads probably unless we make some changes to the code, snow coaches, fire shelters, grooming of the Devils Notch Road and road to Highway 6 for second accesses are shown in the emergency evacuation plan. As they move forward through this we

would want them to consider that.

8. A final site plan application will be required for all commercial uses, including the reunion lodge, and for the open space and amenities. Review of those applications will require the Planning Commission to find that the proposed commercial uses are appropriate for the development and will fit in with the surroundings and open space as per 16.29.03(B) (2012).

9. Any agreements with the Bureau of Reclamation regarding the crossing of the dam are to be provided by the applicant to the County to ensure conditions and expectations of the outside review agencies are clearly understood by all stakeholders.

10. Future phases will require the applicant to coordinate with the BOR and State RDCC (Resource Development Coordinating Committee).

11. Any conditions/concerns noted in the DRC report shall be resolved to the satisfaction of the DRC members prior to plat recording and adopted.

12. All owners within the phase 1A plat will be required to sign owner's consent on the plat.

Councilman Steve Farrell replied that is a lot of conditions and are we ready to hear this. Austin Corry replied that it is a lot of conditions and I guess that is up to you.

Applicant:

Burke Roney, the applicant, addressed the Wasatch County Council and indicated that we are an approved project. We have signed development agreements in place with the County and with the special service district, with the fire district and are willing to abide by those. Many of the conditions that are listed here are already in the development agreement and taken care of. We have always been willing to abide by them and we haven't changed our stance on any of them. It was brought to our attention that we could improve the project with just a few things. One thing to improve the project was to move the storage units from the gateway of our project. We found a place right close to put those storage units. Also wanted to increase the size of the lot pads. We would like to make those 3600 square feet. We are only proposing 59 cabins in the same area. Also proposing to allow for garages, boats, etc. The last change was simply to move our welcome center that was down below and put it up with our other village center. By doing this on paper it looks like we are decreasing our commercial. We have no desire to decrease our commercial entitlements and simply want to put them in different place. We want to do that in a phase approach. We want to add a convenience store and a restaurant. Please don't decrease our commercial. The rental cabins we might be increasing them slightly in phase 1a and 1b but it means that we are taking it from somewhere else and putting it where it makes sense. The RV park down there is very compatible with what is already down there.

Couple of things to note is initially when we were going through this we were going to be giving an amount from each sale to the Bureau of Reclamation to build a bypass road and later on they came back and that won't be necessary. We were giving \$1500 per sale to that building. The road across the dam is a County road and a public access. The road ends when it hits the Forest Service and then it becomes Forest Road 090. We also had a transportation plan that took care of a lot of the concerns that you are hearing tonight but we had an approved transportation plan. It was

suggested that we do what we can with that secondary access to go around to Renegade and open. The Forest Service was clear the County doesn't have jurisdiction to tell someone to maintain their roads even if we wanted to. The Forest Service indicated that they weren't sure they want to improve those roads. Public safety is a real concern when it comes to these roads. Our emergency plan and have a nice agreement with the fire district and the main concept we had back then don't send people through the Forest Service if there is a fire.

As far as access is concerned we are very clear with those that come in and it is in almost all of our agreements that this not for full time residents. It is for secondary homes only and you can call it seasonal or call it what you want but no County services will be provided and we are taking care of everything as far as the trash, no school buses will come up and very clear about that. With the Bureau, with the County, and in our development agreements with the SSD it was made clear that we would have a plan and have a maintenance plan which we did with the SSD and that included being able to plow the road and when we got to the dam we needed to have an agreement with the BOR as to how they wanted that plowed. Once we plow we have to plow and we have to provide access for our folks and we are required to the way that I read the agreement. Thank you for your efforts and we are excited to get this going and we have already sold lots. We are not taking away commercial but we are just moving it up the road and we don't think this is a substantial change and I think the Planning Commission didn't think that either. We love dark skies. We are very willing to comply by everything that we have been asked to do. With regard to water, Councilman Steve Farrell is correct. We were pre-approved to have water for 1234 units and at the time we only had enough water for 814 and with the anticipation that if we ever acquired more water we could increase that.

Todd Cates, project manager, addressed the Wasatch County Council and indicated that the staff have been very helpful. With regard to the comments on conditions and the long list of conditions. When you actually look at these most of them are already required of us and so frankly they don't need to be a condition. The amendment to the development agreement has to be signed and recorded before we record the plat. Condition No. 2 says prior plat recording or permits DRC conditions have to be met per building pad location and conflicting documents on street cross sections and yes that is a condition. We are one hundred percent on board with that. Summit Engineering has made all of those changes for us and ready to submit them into the DRC system as soon as we are done here. Condition No. 3 cost estimates that one is also required already so it doesn't have to be on here as a condition. Condition No. 4 fee in affordable housing that is also in your code and doesn't have to be a condition. Condition No. 5 Notice of Interest required to be recorded and that is in our development agreement so that is something that we have to do. I won't go through the rest of these conditions but if you read through each one of them a lot of them are already covered and are in your code or in the development agreement. So there really are not a lot of conditions. The major conditions are fix the plat and the site plan to make sure that we hit the setbacks including the road profile just the strip.

Todd Cates indicated that we are really looking for three different things: a plat amendment for phase 1a, changing the placements size and number of building pads. Final approval on phase 1b and a change to the order and placement of the commercial spaces. Looking at density because the

determination is the density and we have got 7000 acres to put it into. Under the master plan approval we had fifty lots available in phase 1a. We are asking for twenty-four which is less than the fifty. That shouldn't be a big issue to still have less than what our master plan and preliminary approval was. Phase 1b under the master plan approval and preliminary plan was 61 lots and we are requesting thirty-five in this new phase 1b. Open space which was covered wonderfully at 96.7 percent under the existing master plan approval and actually under the staff report at 98.96 percent open space so we are actually higher and assuming that is because of that decrease in density. Having good clause in the plat amendment that has been covered this and we are in pretty good shape. Under the County Code for good cause Austin mentioned that if we are promoting excellent and sustainable design, utilizing best planning practices, we are furthering the health, safety and welfare then we are in pretty good shape and I believe that we are doing all of that. Also you don't want your storage shed in your front yard of your home and that is not a good design practice and we will change that. Where the welcome center was didn't make sense to be right at the front gate and want that to be a little more centrally located in phase 1a and 1b. It is better planning and better access for everybody that is there and it is better access for some of the future areas. We also had to move the trail head across the street and that limits what we can do with the other items as well. We want to cluster the homes to have better open space access. There is under the CC&Rs a requirement to go through architectural review so will have an architectural design guidelines that they have to meet to keep with the character and the area in the Strawberry area. Commercial is changing in area but not going down over time that is an expandable commercial area. Setbacks we have always said that we will meet those and just fine with that. All the trails by the homes will be four foot concrete sidewalk. I will state publically I hate concrete sidewalks because Strawberry is not a downtown Heber City Development but we are required to do that because that is what is required under the code. In my view it is better to have a back country trail in front of those homes because that lends to the area. Water issues are resolved on that and don't need conditions on that. Also SSD wanted to make sure we weren't going above and beyond what water was allowed in terms of irrigation. We were at 3.9 acres total and don't want to irrigate the whole mountain side. These things are natural and that is what we want. We are ready to abide by the conditions which are the setbacks and the four foot wide sidewalks and park strip and would love to get your vote tonight.

Jon Woodard, the Assistant Wasatch County Attorney, addressed the Wasatch County Council and indicated that I have not done an analysis on whether or not the by-pass road is required. I do see that there are notes throughout the development agreement that reference it and I want to be sure that we are not making any decisions on that nor are we making any decisions on what kind of maintenance is needed on the Forest Service Roads at this beyond what is recorded in the development agreement. Changes to the development agreement that I negotiated with Corbin did not get into those issues at all. The development agreement stands on those issues and continues to be binding on those issues. This is a plat amendment and so this usually with the land use approval if they meet the conditions of the approval you have to approve it or if they meet the requirements of the code you have to approve it. You don't have to approve a plat amendment and you can't just make up invalid reasons for doing it there is no obligation under the code to approve a plat amendment. Another thing that is unusual about this is the substantial change questions.

There was a preliminary approval and that preliminary approval does show a layout and concerned with hearing there is just a density approved because as you all know a preliminary approval is a lot more than that but you can consider a substantial change question. It is something that you can consider both the substantial change from the preliminary and the changes that are made from the 1a plat that has been recorded.

Councilman Steve Farrell indicated that this is an overlay zone where there is a limited number of ERUs is allowed. We approved the master plan layout. Councilman Steve Farrell asked do we have to amend the development agreement as requested. Jon Woodard replied that there are changes so the development agreement attached parts that were followed in the 1a approval and so I think it would be right to amend the development agreement to reflect the changes to those things that are in their recorded documents. You can see from what Austin has indicated regarding the development agreement changes it is very minor and just pertains to those issues and yes I would recommend it and I don't think it is a significant change just as it pertains to the development agreement. The other thing that I wanted to do and we have got our fire district here and they might have something to say.

Clint Neerings, from the fire department, indicated that getting a second access and being able to treat the sick and injured are related to deal with fire related issues is our number one priority. Also relates to equipment, staffing and a station. We want a full time staff station. After each phase we need to look where the fire department is. We are in a comfortable position with this matter. The secondary road was that Renegade Road was always going to be improved but towards the end of Chief Ernie Giles tenure he made a comment in passing after a meeting with Burke was that road did seem like it wouldn't be feasible to improve. My concern would be the secondary access and the ability to get people out if there was a disaster and a need.

Councilman Erik Rowland asked has there been a discussion about the sidewalk requirement. Austin Corry replied that there were discussions about it but the end result of the discussion that they were going to move to the four foot concrete and park strip because that is what was in their preliminary plan. Councilman Erik Rowland replied that I personally wouldn't want to have another area with sidewalks. Austin Corry replied that there is a process regarding removing that as a requirement. Now the pedestrian access to the units is a code requirement and more of a discussion of what the material may or may not be used.

Todd Cates replied that the main reason that we are moving forward is not to hold this up and our concern would be just to talk about trails and we do want to do that by any means. If there is a way to work through that as we go through the process of building everything out we would love to do it. Maybe that could be a condition or whatever the case may be we would love that but again I don't want to hold things up today.

Council Steve Farrell asked what would be the concern to hold this up until we get them issues resolved. Todd Cates indicated that there a variety of concerns. Number one we are so far along in the year to come and do construction work on infrastructure at this point before the snow flies is

tough. Number two the first ten owners are still waiting to build and so we want to get the infrastructure in for them as quickly as possible. Number three there are about fifty-five reservation holders right now that have been waiting for a couple of years for this amendment and we don't want to hold them up any more either. The pad increase is for them to have a garage. The space is for the owner to arrange home that they want. They are not looking for something large but just looking for a cabin. We need to have three to five floor plans and just present those to the buyers and pick one of these.

Public Comment:

Chair Spencer Park then opened the hearing up for public comment and there was none so the public comment period was closed.

Motion

Councilman Mark Nelson made a motion that we approve the request for a plat amendment to Strawberry Ranch Phase 1a and an amended final subdivision approval for Strawberry Ranch Phase 1b in light of the findings and subject to the conditions that have been presented. In addition that we would entertain or consider and if it is staff that should consider but we should consider in the future the concrete sidewalk issue. Councilman Erik Rowland seconded the motion and the motion carries with the following vote:

AYE: Kendall Crittenden

AYE: Steve Farrell

AYE: Luke Searle

AYE: Erik Rowland

AYE: Mark Nelson

NAY: Chair Spencer Park

NAY: Karl McMillan

ADJOURNMENT

Councilman Karl McMillan made a motion to adjourn. Councilman Luke Searle seconded he motion and the motion carries with the following vote:

AYE: Chair Spencer Park

AYE: Karl McMillan

AYE: Luke Searle

AYE: Kendall Crittenden
AYE: Steve Farrell
AYE: Erik Rowland
AYE: Mark Nelson

NAY: None

Meeting adjourned at 9:30 p.m.


SPENCER PARK/CHAIRMAN


JOEY D. GRANGER CLERK/AUDITOR

